

REMARKS/ARGUMENTS

In response to the Office Action dated January 26, 2005, please consider the following remarks.

In the Office Action issued January 26, 2005, claims 1-8, 10, 11-18, 20, 21-28, and 30 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,263,209 to Reed et al. (Reed). Claims 9, 19, and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Reed.

Claims 1, 3-11, 13-21, and 23-30 are now pending in this application. Claims 1, 3, 11, 13, 21, and 23 were amended to clarify the subject matter that the applicant considers to be the invention. Claims 2, 12, and 22 were cancelled.

The applicant respectfully submits that the present invention according to claims 1-8, 10, 11-18, 20, 21-28, and 30 is not anticipated by Reed. Reed discloses a wireless communication system that determines a current time of day and a current position of the user and makes a comparison of the recorded information with the current time of day and the current position of the user to determine whether an alert is necessary, and generates the alert when the comparison determines the alert is necessary. In particular, Reed discloses that the portable subscriber unit carried by a user conducts communications with the fixed portion of the wireless communication system, the communications including an attribute of at least one location. The attribute is recorded, preferably by the portable subscriber unit in the space. A determination is made, preferably by the portable subscriber unit in cooperation with the fixed portion, of the

current time of day and the current location of the user, through well known techniques, such as GPS techniques or transmitter identification codes. Then a comparison is made by the portable subscriber unit between the attribute, the current time of day, and the current position of the user to determine whether an alert is necessary. If the alert is found to be necessary, the portable subscriber unit then generates the alert. If not, the portable subscriber unit waits for a predetermined time, and then returns to make another comparison.

By contrast, the present invention, for example, according to claim 1, requires that the step of determining a time interval to wait comprises the steps of selecting as the selected mobile user a mobile user that is least likely to cause a condition to be satisfied, and determining the time interval to wait based on the selected mobile user. Reed does not disclose or suggest selecting as the selected mobile user a mobile user that is least likely to cause a condition to be satisfied. Rather, Reed simply teaches monitoring users, and is silent as to selecting a particular user based on the likelihood that a user will cause a condition to be satisfied. Likewise Reed does not disclose or suggest determining the time interval to wait based on the selected mobile user (the user that is least likely to cause a condition to be satisfied). Reed discloses using a predetermined wait time, not a wait time that is determined as part of the process, and not a wait time that is determined based on the mobile user that is selected as part of the process. Thus, Reed does not disclose or suggest these claimed elements of the present invention.

Therefore, the present invention, according to claim 1, according to claims 11, and 21, which are similar to claim 1, and according to claims 3-8, 10, 13-18, 20, 23-28, and 30, which depend therefrom, is not anticipated by Reed.

The applicant respectfully submits that the present invention according to claims 9, 19, and 29, is not obvious in view of Reed because even if the disclosure of Reed were modified as suggested by the Examiner, the result would still not be the present invention, as claimed. The Examiner suggests modifying Reed to include a plurality of mobile users. Even if Reed were modified as suggested, the result would still not disclose or suggest that the step of determining a time interval to wait comprises the steps of selecting as the selected mobile user a mobile user that is least likely to cause a condition to be satisfied, and determining the time interval to wait based on the selected mobile user. Thus, the suggested modification of Reed still does not cure the deficiencies of Reed with respect to these claimed elements of the present invention.

Therefore, the present invention according to claims 9, 19, and 29 is not obvious in view of Reed.

Each of the claims now pending in this application is believed to be in condition for allowance. Accordingly, favorable reconsideration of this case and early issuance of the Notice of Allowance are respectfully requested.

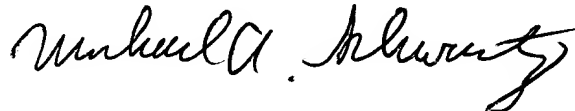
Additional Fees:

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with this application to Deposit Account No. 19-5127 (19111.0053).

Conclusion

In view of the foregoing, all of the Examiner's rejections to the claims are believed to be overcome. The Applicants respectfully request reconsideration and issuance of a Notice of Allowance for all the claims remaining in the application. Should the Examiner feel further communication would facilitate prosecution, he is urged to call the undersigned at the phone number provided below.

Respectfully Submitted,



Michael A. Schwartz
Reg. No. 40,161

Dated: April 5, 2005

Swidler Berlin LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
(202) 424-7500